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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,140	02/01/2002	Satyendra Yadav	10559-755001	5189

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FISH & RICHARDSON, PC  
12390 EL CAMINO REAL  
SAN DIEGO, CA 92130-2081

EXAMINER

PERUNGAVOOR, VENKATANARAY

ART UNIT            PAPER NUMBER

2132

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/066,140	Applicant(s) YADAV, SATYENDRA	
	Examiner Venkatanarayanan Perungavoor	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 01 February 2002.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-33 is/are pending in the application.  
    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-33 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 01 February 2002 is/are: a)  accepted or b)  objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
    a)  All    b)  Some \*    c)  None of:
1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/1/02 &amp; 9/15/03</u> . | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-33 rejected under 35 U.S.C. 102(e) as being U.S. Patent Publication

2003/0126468 B1 by Markham with priority under 35 U.S.C § 119(a) based on PCT No.

PCT/US01/17153. (as WO 200191418 A2 November 29, 2001)

Regarding Claim 1, Markham discloses the receiving requests for network communications services, selectively designating each of received requests as authorized or unauthorized, monitoring inbound communications, based on authorized requests to detect intrusion see Par. 0011-0012 & Par. 0029 & Par. 0094.

Regarding Claim 2, Markham discloses the blocking of inbound network communications and monitoring the blocked inbound network communications see Par. 0036.

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Regarding Claim 3, 14, 27 and 33, Markham discloses the examining blocked inbound communications, identifying the source and initiating monitoring of inbound communication from that source see Par. 0032 & Par. 0034.

Regarding Claim 4, 16, Markham discloses the examining the blocked network communications by checking for patterns see Par. 0015 & par. 0083-0087.

Regarding Claim 5, 17, Markham discloses the responses to monitoring blocked inbound communication see Par. 0100.

Regarding Claim 6, 18, and 29, Markham discloses the checking inbound communications identified from the packet-level exploits see Par. 0034.

Regarding Claim 7, Markham discloses the updating the packet filter in response to unauthorized requests see Par. 0014-0015.

Regarding Claim 8, Markham discloses the monitoring of network communications initiated by application specific intrusion signature see Par. 0094-0096.

Regarding Claim 9, 15, and 28, Markham discloses the examining the set of instructions of the application see Par. 0100.

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Regarding Claim 10 and 11, 20 and 21, Markham discloses the invoking the intrusion detection by invoked application and being executed within a single context see Par. 0104-0106.

Regarding Claim 12, 19, and 30 Markham discloses the encryption of packets and comparing of packets to determine applications see Par. 0140-0143.

Regarding Claim 13, Markham discloses the receiving requests for network communications services, selectively designating each of received requests as authorized or unauthorized, monitoring inbound communications, based on authorized requests to detect intrusion, initiating monitoring in response to application-specific signature see Par. 0011-0012 & Par. 0029 & Par. 0094 & par. 0140-0143.

Regarding Claim 22, Markham discloses the network requests that fail to satisfy the application-specific network policy and also by mutual exclusion the requests that satisfy the network policy see Par. 0083; the blocking of network communications that do not satisfy the application-specific network policy see Par. 0074-0076; the responding to blocked network communications see Par. 0078 & Par. 0100.

Regarding Claim 23, Markham discloses "network policy enforcer" and "network traffic enforcer" being shared in part of intrusion detection system see Par. 0096 & Par. 0091.

Regarding Claim 24, Markham discloses the receiving requests for network communications services, selectively designating each of received requests as authorized or unauthorized, monitoring inbound communications, based on authorized requests to detect intrusion see Par. 0011-0012 & Par. 0029 & Par. 0094, detection in response to intrusion prelude and identified abnormal application behavior see Par. 0083-0084 & Par.0100.

Regarding Claim 25, Markham discloses the responding to attacks and further redirect the packets for further analysis see Par. 0087 & Par. 0015.

Regarding Claim 26, Claim 26 contains similar language as Claim 13 above and is rejected along the same lines.

Regarding Claim 31, Markham discloses the blocking inbound communications that fail to correspond to network policy and detecting a potential intrusion from the blocked network communications see Par. 0011-0012 & Par. 0029 & Par. 0094; responding to attacks and further redirecting the packets for further analysis see Par. 0087 & Par. 0015.

Regarding Claim 32, Claim 32 contains similar claim language as Claim 1 above is rejected along the same lines.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6501752 B1 to Kung et al.

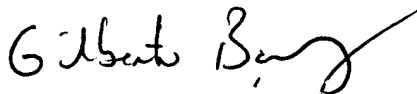
U.S. patent 6496483 B1 to Kung et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Venkatanarayanan Perungavoor  
Examiner  
Art Unit 2132

VP  
7/22/2005

  
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